

III. REMARKS

Claims 1-5 and 6-9 are pending in this application. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1, 4-5 and 7-8 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Mattern et al. (USPN 6,763,342), hereinafter “Mattern” in view of Skeen (US Pat. 6,931,392), hereinafter “Skeen.” Applicants respectfully submit that the claimed invention is allowable for at least the reasons stated below.

Claim 1 includes, *inter alia* “that the decision graph comprises multiple entry points”. This is not shown in Mattern as acknowledged by the Examiner. The Examiner cites Skeen as teaching a decision graph with multiple entry points. However, Skeen does not teach a decision graph, rather Skeen provides a system for receiving complex queries from a plurality of users and providing a query process furnishing a result when the data sources satisfy constraints of the query (Abstract). Thus, there is no decision graph in Skeen. Skeen either provides an answer to the query (col. 1, lines, 39-42) or provides a ‘null result’ (col. 9, lines 63-65). The Office points to col. 12, lines 1-5 as teaching multiple entry points but, this characterization is not correct. In this passage of Skeen, it is provided that if the query contains an “or” in its where clause, the query is treated as multiple queries. Multiple queries are processed, not multiple entry points to a

decision graph. Combining Skeen with Mattern could not produce Applicants invention. Thus, this rejection should be withdrawn and the pending claims allowed.

Moreover, Mattern does not disclose, *inter alia*, “wherein the feedback nodes are configured to provide either an interim or final recommendation to the user” as recited in claims 1 and 9. Mattern discloses retrieving information from a decision path and providing a solution to a user. (See generally steps 504-518, cols. 11-12.) However, Mattern does not disclose providing a recommendation to a user even when the reasoning model has not reached the end of a tree, i.e. an interim recommendation. In contrast, the claimed invention can provide a recommendation to a user at a point nearer to an entry point, i.e., based on incomplete information, when the system determines that a user may be losing interest, or where the information returned from question nodes that follow in the graph are expected to be subject to diminishing returns. The Office dismisses this point by noting that the limitation that the recommendation provided to the user by the feedback nodes are either an interim or final recommendation is inherent. Applicants’ traverse this assertion. The Office states that if the recommendation in Mattern is subsequently replaced by another recommendation, then it was an interim recommendation; however, for an interim recommendation to be replaced, the user must start at the beginning and input new information to the decision nodes. This is using the computer system multiple times rather than the generation of an interim solution. In addition, the citation of col. 4, lines 46-50 by the Office does not support “providing an interim solution”. At col. 4, lines 39-43, it is stated that the information may take the form of problems having corresponding solutions or questions having corresponding answers. It is clear Mattern is teaching multiple problems, each being solved as one goes through the Mattern system. As

further evidence, the Office is directed to the Fig. 5 wherein there is a flowchart that does not show an interim solution or equivalent. Thus, there is no configuration taught in Mattern that shows an interim solution. An interim solution is also not taught in Skeen. Thus, Mattern in view of Skeen does not render Applicants' claims obvious.

The Examiner has rejected claims 2-3 under 35 U.S.C. §103(a) as being unpatentable over Mattern in view of Skeen in view of Herz et al. (US Pub. No. 2001/0014868), hereinafter "Herz." Applicants respectfully submit that the claimed invention is allowable for the reasons stated below.

Herz also fails to teach multiple entry points in the decision graph and does not correct the deficiencies of Mattern in view of Skeen. Therefore, Applicants submit that all dependent claims are allowable. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

The Examiner has rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable over Mattern in view of Herz. As detailed above, Mattern does not show providing an interim solution. Moreover, Figure 5 of Mattern, specifically excludes an interim solution. Herz also fails to teach providing interim solutions and does not correct the deficiencies of Mattern. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

IV. CONCLUSION

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the

claimed subject matter or the references used in rejecting the claimed subject matter.

Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

Date: October 29, 2008

/Carl F. Ruoff/

Carl F. Ruoff

Reg. No. 34,241

Hoffman Warnick LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)